

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NOKIA CORPORATION and)
NOKIA, INC.,)
Plaintiffs,)
v.) C. A. No. 06-509-JJF
QUALCOMM INCORPORATED,)
Defendant.)

**QUALCOMM INCORPORATED'S
MOTION TO CONSOLIDATE BRIEFING AND HEARING SCHEDULES**

Defendant QUALCOMM Incorporated (“QUALCOMM”), by and through its undersigned counsel, hereby moves the Court for an order requiring consolidation of the briefing schedule and hearing (if one is scheduled) on the Motion to Transfer Venue filed by defendant on August 16, 2006 and the Motion to Remand filed by plaintiffs two days later on August 18, 2006. The grounds for this motion are as follows.

This action was commenced in this Court on August 16, 2006 by virtue of QUALCOMM’s filing of a Notice of Removal of an action plaintiffs Nokia Corporation and Nokia, Inc. (collectively, “Nokia”) filed in the Court of Chancery of the State of Delaware. Immediately after this action was filed here, QUALCOMM filed a Motion to Transfer Venue, seeking to transfer this case to the U.S. District Court for the Southern District of California (San Diego division), where QUALCOMM had previously filed a patent infringement case against Nokia. As explained in the Notice of Removal, Nokia’s claims here are essentially affirmative defenses or compulsory counterclaims to QUALCOMM’s infringement claims, which were filed in the San Diego District Court in November 2005.

On August 18, 2006, Nokia filed a Motion to Remand and, without fairly highlighting for this Court that a transfer motion had already been filed two days earlier, Nokia also filed a Motion to Expedite Proceedings With Respect To Motion To Remand (D.I. 7). On the same day, the Court granted Nokia's Motion to Expedite. The Order granting the Motion requires QUALCOMM to answer plaintiffs' Opening Brief In Support Of Their Motion To Remand (D.I. 5) by August 23, 2006. The Order further requires the Nokia plaintiffs to file their reply brief on the Motion to Remand on August 25, 2006.

QUALCOMM respectfully moves in the interests of fairness and judicial efficiency to have the Court consolidate the briefing and hearing schedule for plaintiffs' Motion To Remand (D.I. 5) and QUALCOMM's Motion to Transfer (D.I. 3). Because both motions suggest that this Court should not go forward with this case to resolution on the merits – one suggesting transfer and the other suggesting remand – the Court can address these competing motions in an orderly fashion. Accordingly, under the proposed form of order submitted herewith, the parties' respective answering brief for each motion will be due on August 23, 2006, and their reply brief due August 25, 2006, with a consolidated hearing should the Court wish to have argument on the motions.¹

¹ Pursuant to Local Rule 7.1.1, counsel for Defendant has conferred with counsel for Plaintiffs and asked for its consent to this motion. Counsel for Plaintiffs declined to consent to the requested relief.

Respectfully Submitted,

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Dated: August 18, 2006
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[PROPOSED] ORDER

The Court, having considered QUALCOMM's Motion to Consolidate Briefing, and for good cause shown,

IT IS HEREBY ORDERED, this day of August 2006 that:

1. QUALCOMM's Motion to Consolidate Briefing is **GRANTED**.
2. Nokia shall file and serve its answering brief in response to QUALCOMM's Motion to Transfer Venue on or before **August 23, 2006**.
3. QUALCOMM shall file and serve its reply brief on this motion, if any, on or before August 25, 2006.
4. The necessity of a hearing on the Motion to Transfer Venue is to be determined.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I, Kenneth L. Dorsney, hereby certify that on August 18, 2006, the foregoing document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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